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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,191	11/15/2000	Fumito Takemoto	2091-0222P-SP	8109
7590 01/10/2006 Birch Stewart Kolasch & Birch LLP PO Box 747 Falls Church, VA 22040-0747			EXAMINER BHATNAGAR, ANAND P	
			ART UNIT 2623	PAPER NUMBER

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/712,191

Applicant(s)

TAKEMOTO, FUMITO

Examiner

Anand Bhatnagar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/05/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's amendment filed on 10/05/05 has been entered and made of record.
2. Applicant has amended claims 1, 8, 9, 15, and 24. Currently claims 1-24 are pending.
3. Applicant's arguments, see remarks pages 10-12, filed on 10/05/05, with respect to the rejection(s) of claim(s) 1, 8, and 15 under 35 USC 102(e) and claims 2-7, 9-14, and 16-24 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Fukui et al. (U.S. patent 6,466,685 B1), Kado et al. (U.S. patent 6,181,806), and Fujimoto et al. (U.S. patent 6,035,074). Examiner refers to the rejection below.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

A.) Claims 1-3, 8-10, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukui et al. (U.S. patent 6,466,685 B1).

Regarding claims 1, 8, and 15: A method of extracting a face area from an image including a human face (Fukui et al.; fig. 4 elements 11-13, col. 1 lines 5-9, and col. 7 lines 47-50), the face extraction method comprising the steps of:

displaying the image and a predetermined face template (Fukui et al.; fig. 4 element 21);

carrying out position matching between the face template and the face area to be extracted, by moving the face template and/or the image so that the face template is positioned on the face area to be extracted, transforming and/or rotating the face template and/or the image on the face area position (Fukui et al.; col. 7 lines 66-67 and col. 8 lines 1-40, the normalization of the image is read as the transformation and the shifting of the template on the face image is read as the moving of the template on the face image.); and

extracting the face area based on a result of position matching (Fukui et al.; fig. 4 element 12).

Fukui et al. discloses to extract a face from an image by using templates and shifting them over the face to determine the highest correlation values in order to extract the face (Fukui et al.; col. 8 lines 1-11). Fukui further discloses to display the result on a display (Fukui et al.; fig. 4 element 21). Fukui et al. does not teach to have a user input nor displaying the image and a predetermined face template. It would have been obvious to one skilled in the art to incorporate having an user input the system as well as to having the displaying of the image

and predetermined face template simultaneously in order to make any manual corrections that need be based on the result of the match.

Regarding claims 2, 9, and 16: A face extraction method wherein the step of extracting the face area comprises the steps of:

calculating a degree of matching between the face template and the face area in accordance with the position matching (Fukui et al; col. 8 lines 1-11, wherein the correlation values, i.e. degree of matching, are determined to locate and extract the face in an image); and

extracting the face area based on the degree of matching (Fukui et al; col. 8 lines 1-11, wherein the correlation values, i.e. degree of matching, are determined to locate and extract the face in an image).

Regarding claims 3, 10, and 17: Examiner takes Official Notice since blurring and image and/or a template to perform image correlation is well known in the art.

B.) Claims 4, 5, 11, 12, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukui et al. (U.S. patent 6,466,685 B1) and Kado et al. (U.S. patent 6,181,806).

Regarding claims 4, 5, 11, 12, 18 and 19: A face extraction method wherein the face template has a three-dimensional shape and is a wire frame.

Fukui et al. discloses a system wherein facial comparison is performed between an original image and a template in order to extract a face from an

image. Fukui et al. does not teach wherein the standard image/template is a 3D image and a wire frame. Kado et al. teaches to have the standard image/template be a 3D wire frame image (Kado et al. figs. 9-11, col. 2 lines 34-36, and col. 3 lines 56-60). It would have been obvious to one skilled in the art to combine the teaching of Kado et al. to that of Fukui et al. because they are analogous in extracting features from a facial image using templates/models. One in the art would have been motivated to incorporate the teaching of Kado et al. into the teaching of Fukui et al. for identifying persons that performs identification with high accuracy against minor fluctuations of photographing conditions such as illumination conditions and the position of the face (Kado et al.; col. 1 lines 55-60).

C.) Claims 6, 7, 13, 14, and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukui et al. (U.S. patent 6,466,685 B1) and Fujimoto et al. (U.S. patent 6,035,074).

Regarding claims 6, 7, 13, 14, and 20-23: A face extraction method as defined in Claim 1, wherein the face template has a color different from a skin color/complementary color of the skin/color tone of a predetermined target image.

Fukui et al. discloses a system wherein facial comparison is performed between an original image and a template to extract a face in an image. Fukui et al. does not teach to change an area in the image from a skin color to another

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color especially a complementary color of the skin. Fujimoto teaches to change the color of a facial image to the complementary color of the skin (Fujimoto et al.; fig. 7 and col. 9 lines 10-27, this is also read as a different color from skin as well as a color tone of a predetermined target image). It would have been obvious to one skilled in the art to combine the teaching of Fujimoto et al. to that of Fukui et al. because they are analogous in image processing of facial images. One in the art would have motivated to incorporate the teaching of Fujimoto et al. to the disclosure of Fukui et al. so that a user can verify the coordinates of the facial region (Fujimoto et al.; col. 9 lines 26-40)

Claim 24: It is rejected for the combination of reasons of Claims 1/8/15 with that of 22/23.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

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action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

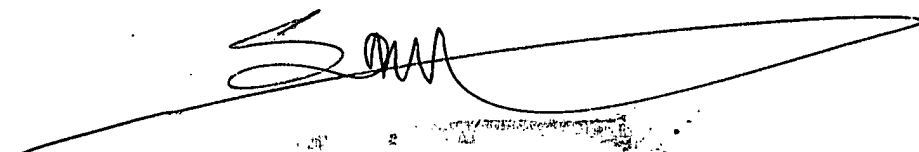
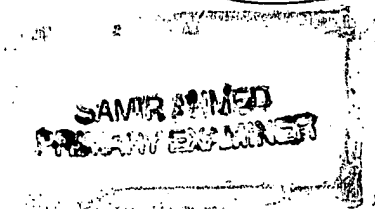
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand Bhatnagar whose telephone number is (571) 272-7416, whose supervisor is Jingge Wu whose number is (571) 272-7429, Central fax is 571-273-8300, and Tech center 2600 customer service office number is 703-306-0377.

AB

Anand Bhatnagar

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January 7, 2006

SAMIR P. BHATNAGAR
PATENT EXAMINER
JAN 7 2006